



CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

"EXPRESS MAIL" MAILING LABEL

Number: EK 916812151 US Date of Deposit: 6 May 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on 6 May 2002.

Typed or Printed Name: DARRYL KRINER

Signed:

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

| | |
|------------------------|-------------------|
| Attorney Docket No. | A-65635-1/RMS/DHR |
| First Named Inventor | NOLAN |
| Examiner Name | R. Shukla, Ph.D. |
| Group/Art Unit | 1632 |
| Express Mail Label No. | EK 916812151 US |

This is a request for ☐ continuation or ☒ divisional application under 37 C.F.R. § 1.53(d),
(continued prosecution application (CPA)) of prior application number 09 / 135,238
filed on 08/17/98, entitled, TOSO

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371.

A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

1. ☐ Enter the unentered amendment previously filed on _____
under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
.....
.....
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

| CLAIMS | (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) CALCULATIONS |
|---|---------|------------------|------------------|--|------------------|
| Total Claims (37 C.F.R. §1.16(c) or (j)) | 9 | -20 = | 0 | X \$ 18 | \$ 0 |
| Independent Claims (37 C.F.R. §1.16(b) or (i)) | 1 | -3 = | 0 | X \$ 84 | \$ 0 |
| Multiple dependent claims (if applicable) (37 C.F.R. §1.16(d)) | | | | + \$ 280 | \$ 0 |
| | | | | BASIC FEE (37 C.F.R. §1.16) | \$ 740 |
| | | | | TOTAL OF ABOVE CALCULATIONS = | \$ 740 |
| | | | | Reduction by 50% for filing by small entity. (Note 37 C.F.R. §§1.9, 1.27, & 1.28). | \$ 370 |
| | | | | TOTAL = | \$ 370 |

6. Small entity status:

- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.
- b. ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 06 - 1300 (Order No. A-65635-1/RMS/DHR)

- a. ☒ Fees required under 37 C.F.R. § 1.16.
- b. ☒ Fees required under 37 C.F.R. § 1.17.
- c. ☐ Fees required under 37 C.F.R. § 1.18

8. ☒ A check in the amount of \$425 is enclosed, inclusive of the fee for a 1-Mo Ext of Time (\$55.00)

9. ☒ Other: •Return postcard

10. ☒ Conditional Petition for Extension of Time: An extension of time is requested in the present and/or above-referenced parent application to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.

NOTE:

*The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.*

10. NEW CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☐ New correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)

Robin M. Silva, Esq.
filed under 37 C.F.R. section 1.34(a)

Signature

Robin M. Silva

Registration No. (Attorney/Agent)

38,304

Date

6 May 2002



RECEIVED

MAY 13 2002

#257E
Dca
5/14/02

TECH CENTER 1600/2900

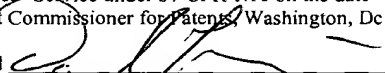
PATENT

Attorney Docket No.: A-65635-1/RMS/DHR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Patent Examiner: R. Shukla, Ph.D.
)
NOLAN) Group Art Unit: 1632
)
Serial No.: 09/135,238)
)
Filed: 17 August 1998)
)
For: Toso)

"EXPRESS MAIL" MAILING LABEL"

NUMBER EK 916812151 US Date of Deposit 6 May 2002
I Hereby Certify That this Paper or Fee Is Being Deposited with the United States Postal
Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date
indicated above and is addressed to: Assistant Commissioner for Patents, Washington, Dc
20231.
Typed Name DARRYL KRINER Signed 

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
BOX CPA
Washington, DC 20231

Sir,

This Preliminary Amendment accompanies a request for filing a Divisional Continued Prosecution Application (CPA) and the requisite fee, and follows the filing of a Notice of Appeal in this case on 4 February 2002. The request for CPA is accompanied by a Petition for a One Month Extension of Time, and the requisite fee, making this reply a timely response.

The Commissioner is hereby authorized to charge any fees that are due, including extension fees or other relief that is required, or credit any overpayment, to Deposit Account No. 06-1300, order number A-65635-1/RMS/DHR.

Please amend the present application as indicated below and consider the remarks that follow prior to examination of the present application.

AMENDMENT

In the Claims

Please cancel claims 1-21 and 30-33.